

**Effective 5/12/2015**

**20A-9-202 Declarations of candidacy for regular general elections.**

- (1)
  - (a) Each person seeking to become a candidate for an elective office that is to be filled at the next regular general election shall:
    - (i) file a declaration of candidacy in person with the filing officer on or after January 1 of the regular general election year, and, if applicable, before the candidate circulates nomination petitions under Section 20A-9-405; and
    - (ii) pay the filing fee.
  - (b) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.
  - (c) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of candidates who have filed in their office.
  - (d) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section.
- (2)
  - (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:
    - (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after January 1 of the regular general election year, and before the candidate circulates nomination petitions under Section 20A-9-405; and
    - (ii) pay the filing fee.
  - (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.
- (3)
  - (a) On or before 5 p.m. on the first Monday after the third Saturday in April, each lieutenant governor candidate shall:
    - (i) file a declaration of candidacy with the lieutenant governor;
    - (ii) pay the filing fee; and
    - (iii) submit a letter from a candidate for governor who has received certification for the primary-election ballot under Section 20A-9-403 that names the lieutenant governor candidate as a joint-ticket running mate.
  - (b) Any candidate for lieutenant governor who fails to timely file is disqualified. If a lieutenant governor is disqualified, another candidate shall file to replace the disqualified candidate.
- (4) Each registered political party shall:
  - (a) certify the names of its candidates for president and vice president of the United States to the lieutenant governor no later than August 31; or
  - (b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.
- (5)
  - (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor within five days after the last day for filing.
  - (b) If an objection is made, the clerk or lieutenant governor shall:
    - (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
    - (ii) decide any objection within 48 hours after it is filed.

- (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.
- (d)
  - (i) The clerk's or lieutenant governor's decision upon objections to form is final.
  - (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
  - (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement in this section to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection 20A-9-201(4) in person with the filing officer if:
  - (a) the person is located outside the state during the filing period because:
    - (i) of employment with the state or the United States; or
    - (ii) the person is a member of:
      - (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
      - (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
      - (C) the National Guard on activated status;
  - (b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other; and
  - (c) the person provides the filing officer with an email address to which the filing officer may send the copies described in Subsection 20A-9-201(3).

Amended by Chapter 296, 2015 General Session